

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

June 18, 2021 through June 24, 2021

Each week the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.

HILL (RON), PEOPLE v:

App. Term, 1ST Dept. order of 11/20/20; affirmance; order granting leave by DiFiore, Ch.J., 6/4/21;

Crimes--Controlled Substances--Whether the accusatory instrument charging defendant with criminal possession of a controlled substance in the seventh degree, for the possession of an unspecified synthetic cannabinoid, was jurisdictionally defective, given that not all synthetic cannabinoids are illegal in this state; Criminal Court of New York City, Bronx County, convicted defendant, upon his guilty plea, of criminal possession of a controlled substance in the seventh degree, and imposed sentence; App. Term affirmed.

MATTER OF IRELYNN S.:

4th Dept., App. Div. order of 11/20/20; dismissal of appeal; leave to appeal granted by Court of Appeals, 4/29/21; Rule 500.11 review pending;

Parent and Child--Termination of Parental Rights--Whether father's failure to appear at the dispositional hearing constituted a default where attorney is present but elects not to participate in father's absence;

Family Court, Onondaga County, among other things, terminated father's parental rights with respect to the child; App. Div. dismissed appeal.